

Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 AF-10 EA-11 EUR-25 NEA-14 RSC-01

CG-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 PRS-01

SP-03 SS-20 AID-20 CEQ-02 COA-02 COME-00 EB-11 EPA-04

IO-14 NSF-04 SCI-06 FEAE-00 ACDA-19 AEC-11 AECE-00

AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 OIC-04

TRSE-00 DRC-01 /274 W

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC IMMEDIATE 4374

INFO USMISSION USUN

C O N F I D E N T I A L CARACAS 5861

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: PROCEDURES

REF: CARACAS 5781

1. SUMMARY. CONFERENCE JUNE 26 HELD TWO PLENARY AND TWO INFORMAL SESSIONS IN INTENSIVE EFFORT TO REACH GENERAL AGREEMENT ON RULES OF PROCEDURE BY JUNE 27. PLENARY FOCUSED ON CHAIRMAN AMERASINGHE'S COMPROMISE PACKAGE, AND REFLECTED ACCEPTANCE, SOMETIMES GRUDING, OF ALL ITS ELEMENTS EXCEPT FOR QUESTION OF VOTING MAJORITY FOR FINAL ADOPTION OF CONVENTION AS A WHOLE. TENTATIVE UNDERSTANDING ON LATTER ISSUE REACHED AT SECOND INFORMAL SESSION LAST NIGHT. INFORMAL MEETINGS ALSO BEGAN CONSIDERATION
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OF OTHER AMENDMENTS TO RULES. IN SPITE OF STRONG PRESSURE

FROM AMERASINGHE, PRC CONTINUES TO PRESS ITS AMENDMENT ON CREDENTIALS. (SEPTEL) END SUMMARY.

2. DETAILS: MORNING AND AFTERNOON PLENARY SESSIONS
JUNE 26 WITNESSED EXTENSIVE DEBATE ON COMPROMISE PACKAGE PROPOSED BY AMERASINGHE (REFTEL). RESERVATIONS TO COMPROMISE WERE EXPRESSED BY A NUMBER OF AFRICAN AND COASTAL STATES AS BEING TOO RESTRICTIVE OF QTE CLASSICAL UNQTE RULES AND FROM EASTERN EUROPEAN AND LANDLOCKED STATES WHICH FEARED COMPROMISE INSUFFICIENTLY PROTECTS INTERESTS OF MINORITY. NEITHER GROUP HOWEVER ASSERTED INTENTION TO OBJECT TO COMPROMISE PACKAGE EXCEPT ON FINAL ELEMENT: VOTING MAJORITY TO BE REQUIRED FOR FINAL ADOPTION OF LOS CONVENTION AS A WHOLE. ATTEMPTED COMPROMISE (RULE 40A) WHICH WOULD HAVE PROVIDED FOR LATER CONFERENCE DETERMINATION (UNDER RULES FOR PLENARY APPROVAL OF SUBSTANTIVE MATTERS) DID NOT ATTRACT GENERAL AGREEMENT. AMERASINGHE CLOSED AFTERNOON SESSION BY STATING HE WOULD PUT PACKAGE TO CONFERENCE FOR DECISION JUNE 27, CALLING UPON DELEGATES TO WORK OUT MUTUALLY ACCEPTABLE AGREEMENT ON LAST UNAGREED COMPONENT IN FURTHER INFORMAL SESSION.

3. PROTRACTED NIGHT SESSION PRODUCED UNDERSTANDING PREPARED BY MEXICO BASED ON TENTATIVE SOVIET AND LANDLOCKED AGREEMENT TO DROP INSISTENCE ON DRAFT RULE 40A (ABOVE) AND ADDITION OF PROVISION FOR 4 DAY DELAY BETWEEN PLENARY ADOPTION OF LAST ARTICLE OF CONVENTION AND VOTE ON CONVENTION AS A WHOLE. UNDERSTANDING WOULD BE REFLECTED IN TEXT OF ARTICLE 39 (ON PLENARY VOTING MAJORITIES). ARTICLE WOULD NOW READ:

A. "DECISION OF THE CONFERENCE ON ALL MATTERS OF SUBSTANCE, INCLUDING ADOPTION OF THE TEXT OF THE CONVENTION ON THE LAW OF THE SEA AS A WHOLE, SHALL BE TAKEN BY A TWO-THIRDS MAJORITY OF THE REPRESENTATIVES PRESENT AND VOTING, PROVIDED SUCH MAJORITY SHALL INCLUDE AT LEAST A MAJORITY OF STATES PARTICIPATING

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IN THAT SESSION OF THE CONFERENCE.

B. THE PROVISIONS OF RULE 37 WILL NOT BE APPLIED TO THE VOTE ON THE CONVENTION AS A WHOLE. HOWEVER, THE CONVENTION WILL NOT BE PUT TO THE VOTE BEFORE THE EXPIRATION OF FOUR WORKING DAYS."

4. INFORMAL CONSIDERATION OF OTHER AMENDMENTS PROCEEDED

LABORIOUSLY. STRONG EFFORTS BY AMERASINGHE AND OTHERS
TO DISSUADE PRC FROM PRESSING ITS CREDENTIALS AMENDMENT
WERE UNSUCCESSFUL (SEPTTEL). MORE INFORMAL DISCUSSIONS
SCHEDULED JUNE 27 A.M. AMERASINGHE SEEMS DETERMINED
TO HOLD TO DEADLINE AND SECURE ADOPTION OF RULES OF
PROCEDURE THIS WEEK, BY VOTING IF NECESSARY.
STEVENSON

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